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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,858	11/29/2001	Bruce A. Makinen	10011293-1	6713
7590	12/16/2003		EXAMINER	
AGILENT TECHNOLOGIES, INC.			CABRERA, ZOILA E	
Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599			ART UNIT	PAPER NUMBER
			2125	
			DATE MAILED: 12/16/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/997,858	MAKINEN, BRUCE A.	
	Examiner	Art Unit	
	Zoila E. Cabrera	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 29 November 2001.
- 2a)  This action is FINAL.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-8,10-17,19-26 and 28-30 is/are rejected.
- 7)  Claim(s) 9,18,27 and 31 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a)  The translation of the foreign language provisional application has been received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-8, 10-13, 15-17, 19-22, 24-26, 28-29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Minard (US 6,247,020)**.

**Minard** discloses a method, system and readable medium for managing interaction with a presentation of a tree structure in a graphical user interface, the method comprising the steps of:

Regarding claims 1-4, 10-13, 19-22 and 28-29, **Minard** discloses,

- displaying a tree structure on a first portion of a graphical user interface (Fig. 4A, element 410; Col. 8, lines 64-67);  
receiving a search request for an object in the tree structure having a predefined value via a second portion of the graphical user interface (Col. 12, lines 49-52);  
displaying a search result in a third portion of the graphical user interface, the search result comprising one or more locations that satisfy the search request (Col. 12, lines 53-55; Figs. 4A-4B, elements 410, 430 and 450, i.e., Navigation,

Structure and Content Panes; Col. 9, lines 4-6. Please note that the 3 panes are synchronized to point to the same node or selected object); and in response to selection of one of the locations, modifying the tree structure to display the selected location of the object having the predefined value (Col. 12, lines 55-57; Col. 9, lines 4-6; Col. 13, lines 57-67 to Col. 14, lines 1-8);

- the step of modifying the tree structure to display the selected location comprises expanding the tree structure (Fig. 4A, element 430; Col. 8, lines 50-51);
- the step of modifying the tree structure to display the selected location comprises highlighting the object having the predefined value (Col. 11, lines 34-36);
- the step of receiving a search request for an object comprises the step of receiving text via a text box displayed in the second portion of the graphical user interface (Col. 12, lines 51-54).

With respect to claims 6-8, 15-17, 24-26 and 30, **Minard** further discloses,

- the tree structure comprises one or more parent objects, at least one of the parent objects having one or more child objects (Figs. 4A-4B, 6A);
- the tree structure represents the contents of a computer (Figs. 4A-4B);
- the tree structure comprises a root object, one or more first-level objects, one or more second-level objects, and one or more third level objects (Fig. 6B, element 620).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Minard (US 6,247,020)**.

**Minard** discloses the limitations of claims 1, 10, 19 and 28 above and further discloses, regarding claims 5, 14 and 23, the use of a pop-up window with a class hierarchy option (Col. 12, lines 34-38; Fig. 6A, element 610). However, **Minard** fails to disclose that *the third portion* of the graphical user interface comprises a pop-up window. But it would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a pop-up window as taught by **Minard** for displaying the results on the third portion because it would provide an improved system wherein the user can easily select among different files and packages (**Minard**, Col. 12, lines 47-48).

***Allowable Subject Matter***

3. Claims 9, 18, 27 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit 2125 are (703) 308-6306 or 308-6296. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera  
Patent Examiner  
12/10/03



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100